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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

YOUNG, JOHN L

ART UNIT PAPER NUMBER

3622

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,094

Applicant(s)

PARRY ET AL.

Examiner

John L Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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NON-FINAL OFFICE ACTION REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §101

35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful
process, machine, manufacture, or composition of matter or
any new and useful improvement thereof, may obtain a
patent therefore, subject to the conditions and requirements
of this title.

2. Claims 1-2, 5-8, 10-13 & 15 are rejected under 35 U.S.C. 101, because said claim is directed to non-statutory subject matter.

As per claims 1-2, 5-8, 10-13 & 15 as drafted said claims are not limited by language within the technological arts (see *In re Waldbaum*, 173 USPQ 430 (CCPA

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1972); *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974) also see MPEP 2106 IV 2(b), even though said claims are limited by language to a useful, concrete and tangible application (See *State Street v. Signature financial Group*, 149 F.3d at 1374-75, 47 USPQ 2d at 1602 (Fed Cir. 1998); *AT&T Corp. v. Excel*, 50 USPQ 2d 1447, 1452 (Fed. Cir. 1999).

Note: it is well settled in the law that "[although] a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the specification into the claims. See *In re Prater*, 415, F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), which discuss the premise that one cannot rely on the specification to impart limitations to the claims that are not recited in the claims." (See MPEP 2173.05(q)).

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been

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obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-36 are rejected under 35 U.S.C. §103(a) as being obvious over Weinblatt 5,401946 (03/28/1995) (herein referred to as "Weinblatt").

As per claim 1, Weinblatt (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG 4; FIG. 5; col. 1, ll. 5-22; col. 5, ll. 2-67; col. 3, ll. 1-67; col. 5, ll. 57-67; col. 6, ll. 1-36; col. 7, ll. 50-67; col. 8, ll. 1-25; col. 8, ll. 62-67; col. 9, ll. 1-15; col. 10, ll. 23-67; col. 12, ll. 20-66; col. 13, ll. 24-43; col. 13, ll. 55-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-15; and whole document) shows: "detecting consumption . . . and when the consumption of a predefined quantity . . . has been detected, rewarding a user of the imaging device."

Weinblatt lacks explicit recital of: "A method to promote the use of consumables . . . detecting consumption of a consumable; and when the consumption of a predefined quantity of the consumable has been detected, rewarding a user of the imaging device."

Weinblatt (col. 1, ll. 5-42; col. 1, ll. 55-67; col. 2, ll. 41-56; col. 4, ll. 53-62; col. 8, ll. 25-67; col. 9, ll. 1-15; col. 9, ll. 50-67; col. 10, ll. 5-45; col. 11, ll. 1-67; col. 12, ll. 1-15; col. 12, ll. 20-67; col. 13, ll. 55-67; col. 14, ll. 1-67; and col. 15, ll. 20-67; and col. 16, ll. 1-15) discloses: "*products*", "*goods*" and "*services*" consumed by a consumer

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and/or purchaser. The Examiner interprets these disclosures as showing “consumption of consumables. . . .”

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Weinblatt (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG 4; FIG. 5; col. 1, ll. 5-22; col. 5, ll. 2-67; col. 3, ll. 1-67; col. 5, ll. 57-67; col. 6, ll. 1-36; col. 7, ll. 50-67; col. 8, ll. 1-25; col. 8, ll. 62-67; col. 9, ll. 1-15; col. 10, ll. 23-67; col. 12, ll. 20-66; col. 13, ll. 24-43; col. 13, ll. 55-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-15; and whole document) in view of the interpretation of the disclosure of Weinblatt (col. 1, ll. 5-42; col. 1, ll. 55-67; col. 2, ll. 41-56; col. 4, ll. 53-62; col. 8, ll. 25-67; col. 9, ll. 1-15; col. 9, ll. 50-67; col. 10, ll. 5-45; col. 11, ll. 1-67; col. 12, ll. 1-15; col. 12, ll. 20-67; col. 13, ll. 55-67; col. 14, ll. 1-67; and col. 15, ll. 20-67; and col. 16, ll. 1-15) implicitly shows “A method to promote the use of consumables . . . detecting consumption of a consumable; and when the consumption of a predefined quantity of the consumable has been detected, rewarding a user of the imaging device. . . .”, and it would have been obvious to modify and interpret the disclosure of Weinblatt cited above as showing “A method to promote the use of consumables in an imaging device . . . detecting consumption of a consumable; and when the consumption of a predefined quantity of the consumable has been detected, rewarding a user of the imaging device. . . .”, because modification and interpretation of the cited disclosure of Weinblatt would have provided means to “*determine the impact of promotions on*

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consumer purchasing behavior. . . .” (see Weinblatt (col. 3, ll.52-56)), based on the motivation to modify Weinblatt so as to “provide meaningful results very soon after the purchasing data is recorded by the consumer. . . .” (see Weinblatt (col. 4, ll.5-8)).

Claim 2 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 1.

Claim 3 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 1.

Claim 4 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 1.

As per dependent claim 5, Weinblatt shows the method of claim 1.

Weinblatt (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG 4; FIG. 5; col. 1, ll. 5-67; col. 5, ll. 2-67; col. 2, ll. 41-56; col. 3, ll. 1-67; col.4, ll. 53-62; col. 5, ll. 57-67; col. 6, ll. 1-36; col. 7, ll. 50-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 5-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 24-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-15; and whole document) implicitly shows: “detecting the consumption of the consumable. . . .”

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Weinblatt lacks a showing of “calculating an estimated consumption of the consumable.”

“Official Notice” is taken that both the concepts and the advantages of “calculating an estimated consumption of the consumable. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Weinblatt cited above as implicitly showing “calculating an estimated consumption of the consumable. . . .”, because modification and interpretation of the cited disclosure of Weinblatt would have provided means to “*determine the impact of promotions on consumer purchasing behavior. . . .*” (see Weinblatt (col. 3, ll.52-56)), based on the motivation to modify Weinblatt so as to “provide meaningful results very soon after the purchasing data is recorded by the consumer. . . .” (see Weinblatt (col. 4, ll.5-8)).

As per dependent claim 6, Weinblatt shows the method of claim 1.

Weinblatt (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG 4; FIG. 5; col. 1, ll. 5-67; col. 5, ll. 2-67; col. 2, ll. 41-56; col. 3, ll. 1-67; col.4, ll. 53-62; col. 5, ll. 57-67; col. 6, ll. 1-36; col. 7, ll. 50-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 5-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 24-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-15; and whole document) implicitly shows: “detecting at least one of the identified sources of the consumable, and basing the reward at least in part on whether the predefined

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quantity of consumable that has been consumed comprises consumable provided by the at least one identified source.”

Weinblatt lacks a showing of “wherein the consumable can be provided by a plurality of separately identified sources . . .”

“Official Notice” is taken that both the concepts and the advantages of “wherein the consumable can be provided by a plurality of separately identified sources . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Weinblatt cited above as implicitly showing “wherein the consumable can be provided by a plurality of separately identified sources . . .”, because modification and interpretation of the cited disclosure of Weinblatt would have provided means to “*determine the impact of promotions on consumer purchasing behavior. . . .*” (see Weinblatt (col. 3, ll.52-56)), based on the motivation to modify Weinblatt so as to “provide meaningful results very soon after the purchasing data is recorded by the consumer. . . .” (see Weinblatt (col. 4, ll.5-8)).

Claim 7 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 1.

As per dependent claim 8, Weinblatt shows the method of claim 1.

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Weinblatt (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; col. 1, ll. 5-67; col. 5, ll. 2-67; col. 2, ll. 41-56; col. 3, ll. 1-67; col. 4, ll. 53-62; col. 5, ll. 57-67; col. 6, ll. 1-36; col. 7, ll. 50-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 5-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 24-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-15; and whole document) implicitly shows: “detecting consumption of the consumable. . . .”

Weinblatt lacks a showing of “wherein the consumable comprises sheets of media, and . . . counting sheets of the media consumed by the imaging device. . . .”

“Official Notice” is taken that both the concepts and the advantages of “wherein the consumable comprises sheets of media, and . . . counting sheets of the media consumed by the imaging device. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Weinblatt cited above as implicitly showing “wherein the consumable comprises sheets of media, and . . . counting sheets of the media consumed by the imaging device. . . .”, because modification and interpretation of the cited disclosure of Weinblatt would have provided means to “*determine the impact of promotions on consumer purchasing behavior. . . .*” (see Weinblatt (col. 3, ll. 52-56)), based on the motivation to modify Weinblatt so as to “provide meaningful results very soon after the purchasing data is recorded by the consumer. . . .” (see Weinblatt (col. 4, ll. 5-8)).

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As per dependent claim 9, Weinblatt shows the method of claim 1.

Weinblatt (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; col. 1, ll. 5-67; col. 5, ll. 2-67; col. 2, ll. 41-56; col. 3, ll. 1-67; col. 4, ll. 53-62; col. 5, ll. 57-67; col. 6, ll. 1-36; col. 7, ll. 50-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 5-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 24-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-15; and whole document) implicitly shows detecting consumption of the consumables.

Weinblatt lacks a showing of “wherein the consumable comprises an image forming substance, the imaging device forms an image by depositing a quantity of pixels of the image forming substance, and detecting consumption of the image forming substance comprises at least one of calculating, measuring, or estimating the deposited quantity of pixels of the image forming substance. . . .”

“Official Notice” is taken that both the concepts and the advantages of “wherein the consumable comprises an image forming substance, the imaging device forms an image by depositing a quantity of pixels of the image forming substance, and detecting consumption of the image forming substance comprises at least one of calculating, measuring, or estimating the deposited quantity of pixels of the image forming substance. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Weinblatt cited above as implicitly showing “wherein the consumable comprises an image forming substance, the imaging device forms an image by

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depositing a quantity of pixels of the image forming substance, and detecting consumption of the image forming substance comprises at least one of calculating, measuring, or estimating the deposited quantity of pixels of the image forming substance. . . .”, because modification and interpretation of the cited disclosure of Weinblatt would have provided means to “*determine the impact of promotions on consumer purchasing behavior. . . .*” (see Weinblatt (col. 3, ll.52-56)), based on the motivation to modify Weinblatt so as to “provide meaningful results very soon after the purchasing data is recorded by the consumer. . . .” (see Weinblatt (col. 4, ll.5-8)).

Claim 10 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 1.

Claim 11 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 1.

Claim 12 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 1.

Claim 13 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 2.

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Claim 14 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 2.

Claim 15 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 1.

Claim 16 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 1.

Claim 17 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 1 and claim 2.

Claim 18 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 13.

As per dependent claim 19, Weinblatt shows the method of claim 17.

Weinblatt (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG 4; FIG. 5; col. 1, ll. 5-67; col. 5, ll. 2-67; col. 2, ll. 41-56; col. 3, ll. 1-67; col.4, ll. 53-62; col. 5, ll. 57-67; col. 6, ll. 1-36; col. 7, ll. 50-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 5-67; col. 11, ll. 1-67;

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col. 12, ll. 1-67; col. 13, ll. 24-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-15; and whole document) implicitly shows: “wherein the readable memory device is a readable-writeable memory device, the apparatus further comprising a computer network communication device . . . and to store the reward message in the readable-writeable memory device. . . .”

Weinblatt lacks a showing of “wherein the processor is further configured to access a global computer network via the computer network communication device when the consumption value is at least equal to the predetermined reward value and to obtain from the global computer network the reward message. . . .”

“Official Notice” is taken that both the concepts and the advantages of “wherein the processor is further configured to access a global computer network via the computer network communication device when the consumption value is at least equal to the predetermined reward value and to obtain from the global computer network the reward message. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Weinblatt cited above as implicitly showing “wherein the processor is further configured to access a global computer network via the computer network communication device when the consumption value is at least equal to the predetermined reward value and to obtain from the global computer network the reward message. . . .”, because modification and interpretation of the cited disclosure of

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Weinblatt would have provided means to “*determine the impact of promotions on consumer purchasing behavior. . . .*” (see Weinblatt (col. 3, ll.52-56)), based on the motivation to modify Weinblatt so as to “provide meaningful results very soon after the purchasing data is recorded by the consumer. . . .” (see Weinblatt (col. 4, ll.5-8)).

As per dependent claim 20, Weinblatt shows the method of claim 19.

Weinblatt (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG 4; FIG. 5; col. 1, ll. 5-67; col. 5, ll. 2-67; col. 2, ll. 41-56; col. 3, ll. 1-67; col.4, ll. 53-62; col. 5, ll. 57-67; col. 6, ll. 1-36; col. 7, ll. 50-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 5-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 24-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-15; and whole document) implicitly shows a computer network.

Weinblatt lacks a showing of “wherein the computer network communication device is an embedded web server located within the imaging device. . . .”

“Official Notice” is taken that both the concepts and the advantages of “wherein the computer network communication device is an embedded web server located within the imaging device. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Weinblatt cited above as implicitly showing “wherein the computer network communication device is an embedded web server located within the imaging device. . . .”, because modification and interpretation of the cited disclosure of

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Weinblatt would have provided means to “*determine the impact of promotions on consumer purchasing behavior. . . .*” (see Weinblatt (col. 3, ll.52-56)), based on the motivation to modify Weinblatt so as to “provide meaningful results very soon after the purchasing data is recorded by the consumer. . . .” (see Weinblatt (col. 4, ll.5-8)).

Claim 21 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 8.

Claim 22 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 9.

As per dependent claim 23, Weinblatt shows the method of claim 17.

Weinblatt (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; col. 1, ll. 5-67; col. 5, ll. 2-67; col. 2, ll. 41-56; col. 3, ll. 1-67; col.4, ll. 53-62; col. 5, ll. 57-67; col. 6, ll. 1-36; col. 7, ll. 50-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 5-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 24-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-15; and whole document) implicitly shows consumables and consumable suppliers.

Weinblatt lacks a showing of a “consumable can be provided by a plurality of suppliers, at least one of which can be identified by inspection of the consumable, the apparatus further comprising a consumable identification detection device configured to

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inspect the consumable and detect whether the consumable has been supplied by the at least one supplier and to generate a supplier identification signal in response thereto.”

“Official Notice” is taken that both the concepts and the advantages of “consumable can be provided by a plurality of suppliers, at least one of which can be identified by inspection of the consumable, the apparatus further comprising a consumable identification detection device configured to inspect the consumable and detect whether the consumable has been supplied by the at least one supplier and to generate a supplier identification signal in response thereto. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Weinblatt cited above as implicitly showing “consumable can be provided by a plurality of suppliers, at least one of which can be identified by inspection of the consumable, the apparatus further comprising a consumable identification detection device configured to inspect the consumable and detect whether the consumable has been supplied by the at least one supplier and to generate a supplier identification signal in response thereto. . . .”, because modification and interpretation of the cited disclosure of Weinblatt would have provided means to “*determine the impact of promotions on consumer purchasing behavior. . . .*” (see Weinblatt (col. 3, ll.52-56)), based on the motivation to modify Weinblatt so as to “provide meaningful results very soon after the purchasing data is recorded by the consumer. . . .” (see Weinblatt (col. 4, ll.5-8)).

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As per dependent claim 24, Weinblatt shows the method of claim 23.

Weinblatt (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG 4; FIG. 5; col. 1, ll. 5-67; col. 5, ll. 2-67; col. 2, ll. 41-56; col. 3, ll. 1-67; col.4, ll. 53-62; col. 5, ll. 57-67; col. 6, ll. 1-36; col. 7, ll. 50-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 5-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 24-67; col. 14, ll. 1-67; col. 15, ll. 1-67; and col. 16, ll. 1-15; and whole document) implicitly shows product identification.

Weinblatt lacks a showing of a “supplier identification signal, and wherein the consumption value is further a function of the received supplier identification signal.”

“Official Notice” is taken that both the concepts and the advantages of “supplier identification signal, and wherein the consumption value is further a function of the received supplier identification signal. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Weinblatt cited above as implicitly showing “supplier identification signal, and wherein the consumption value is further a function of the received supplier identification signal. . . .”, because modification and interpretation of the cited disclosure of Weinblatt would have provided means to “*determine the impact of promotions on consumer purchasing behavior. . . .*” (see Weinblatt (col. 3, ll.52-56)), based on the motivation to modify Weinblatt so as to

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“provide meaningful results very soon after the purchasing data is recorded by the consumer. . . .” (see Weinblatt (col. 4, ll.5-8)).

Claim 25 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 1 and claim 2.

Claim 26 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 2.

Claim 27 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 3.

Claim 28 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 4.

Claim 29 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 5.

Claim 30 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 6.

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Claim 31 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 8.

Claim 32 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 9.

Claim 33 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejections of claim 1 and claim 2.

Claim 34 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejections of claim 1, claim 2, and claim 3.

Claim 35 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 24.

Claim 36 is rejected for at least substantially the same reasons provided by the disclosure of Weinblatt recited in the obviousness rejection of claim 1.

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RESPONSE TO ARGUMENTS

4. Applicant's arguments (filed 10/29/2004) have been considered but are not persuasive for the following reasons:

Applicant's arguments are moot based on new grounds of rejection.

CONCLUSION

5. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30

Serial Number: 09/873,094

(Parry et al.)

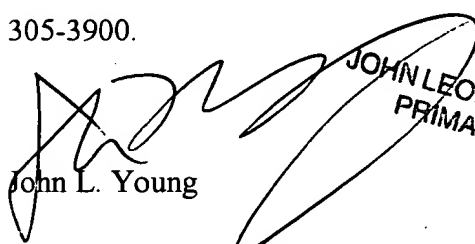
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A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER
John L. Young
Primary Patent Examiner

January 10, 2005